Supplementary advice for maintained schools who have adopted the Surrey County Council complaint procedure

Summer Term 2024

SURREY
COUNTY COUNCIL

Version history

Version 1	Issued Spring 2021
Version 2	Updated Autumn 2022: • Page 23 - Letter A – "*identify who will be responsible and how they will be monitored"* added to recommendations • Page 30 - Letter E – "*who will be responsible and how will they be monitored"* added to any recommended changes to the school's systems or procedures
Version 3	Updated Spring 2023: • Page10 – Sentence added under Stage 3 – Panel Hearing *"One of the Panel's first decisions will be whether there are strong reasons to consider dealing with the complaint through consideration of the written representations, instead of holding a panel hearing with all parties present. In making their decision they should be sensitive to the complainant's needs and expressed preference. The Panel should be mindful that a full meeting offers the best opportunity for the complainant to express their concerns and therefore a decision not to allow them to represent their case in person will need to have a clearly defined rationale."* • Page 31 – Contact details updated
Version 4	Updated Autumn 2023 • Page 31 – Contact details updated
Version 5	Updated Summer 2024 • Page 7/8/9 – Updated guidance on conducting investigations • Page 10/11 – Updated guidance on Stage 3 panels • Page 16 – Updated guidance on contents of paperwork checklist • Page 23 – Updated notice of recommendations to governing body • Page 30 – Stage 3 outcome letter wording updated • Page 33 – Contact details updated

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Introduction

This supplementary guidance supports the implementation and administration of the Surrey County Council (SCC) model school's complaints procedure issued in Autumn Term 2020. The SCC model is based on the Department for Education (DfE) model issued in September 2020. https://www.gov.uk/government/publications/school-complaints-procedures

However, the SCC model differs from the DfE model as it includes an additional stage – Governor investigation (Stage 2). This offers an additional opportunity for resolution of the complaint prior to the final Panel stage.

This SCC guidance includes suggested timescales, model letters, and advice for Headteachers and governors in the successful management and resolution of complaints and must be read in conjunction with the SCC model complaints procedure for maintained schools.

Records management

Schools should:

- record the progress of complaints and the final outcomes
- determine who is responsible for these records and make sure the data is kept secure

As schools are data controllers in their own right, governing bodies must decide for themselves how long they keep records, unless statutory regulations apply. Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

Schools should consider that complainants may have a right to copies of these records under the Freedom of Information Act 2000, the Data Protection Act 2018 and GDPR.

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and copies may not be retained. Schools should consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

Differentiating concerns and complaints

Within the DfE Best Practice guidance 2020 the following statements provide differentiation between a concern and a complaint.

A *concern* is “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

A *complaint* is “an expression or statement of dissatisfaction, however made, about actions taken or lack of action”.

Often there are opportunities to resolve concerns informally by providing reassurance. For all parties concerned the opportunity to allay a concern is usually preferable to the situation escalating to a complaint.

Resolving concerns

Concerns should be taken seriously, and schools should make every effort to resolve the issue as quickly as possible. The following points may be helpful in achieving this:

- Ensure that staff understand the complaints procedure, and are trained to recognise concerns and take action in line with school policies. Being aware of when to escalate to senior member of staff.
- Offer to hold an informal meeting with the person/s expressing concern. Make it clear that it is an informal discussion and not part of the formal complaints process. At the meeting, ask what they feel would resolve the issue and seek to identify any underlying issues which may be driving the concern. Use the skills of active listening with empathy, and demonstrate that they have been heard, and understood. At the conclusion of the meeting, agree next steps, and should they wish to pursue it further explain to them that they should follow the school’s complaints procedure. If appropriate, provide reassurance that the complaints procedure requires impartiality and you would therefore not be involved.
- If practical, send an e-mail or letter to the complainant once their concern has been dealt with as this can sometimes prevent it escalating to a complaint.
- Keep a record of concerns and actions taken for future reference. Records should be signed and dated as chronology can be very important if the concern leads to a formal complaint.
- Use concerns as an opportunity for learning. Develop a culture of welcoming feedback in order to improve practice.
- Show genuine willingness to admit mistakes, offer an apology (if appropriate) and take appropriate remedial action.
- Offer a follow-up discussion/ meeting to review progress.
- If an informal concern is raised with the Chair of Governors regarding the Headteacher, the Chair may wish to consider an informal meeting with the Headteacher to understand if an informal meeting with the person would be beneficial before taking any further action.

There will be occasions when complainants want to raise their concerns formally. In those cases, the school’s complaints procedure should be followed.

Summary of timeline for formal complaints

Stage 1 Headteacher Investigation
Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
Complaint to be investigated and written response to be received by complainant within 20 days of receipt of the formal complaint.

Stage 2 Governor Investigation
Request to move to Stage 2 must be made within 10 days of the receipt of the outcome letter at Stage 1.

Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.

Complaint to be investigated and written response to be received by complainant within 20 days of receipt of the Stage 2 formal complaint.

Stage 3 Governor Panel Hearing
Request to move to Stage 3 must be made within 10 days of the receipt of the outcome letter at stage 2.

Acknowledgement of receipt of request to escalate complaint to Stage 3 to be sent within 5 days.

Hearing to be held within 30 days of receipt of request to go to Stage 3.

Paperwork for Stage 3 hearing to be received from all parties at least 10 days before the hearing.

Paperwork for Stage 3 hearing to be sent to all parties at least 5 days before the hearing.

Outcome letter from panel to be received by complainant within 10 days of the hearing.

NOTE: The timescales referred to are school days so exclude weekends, school and Public Holidays and INSET days.

Undertaking a Stage 1 or Stage 2 complaint investigation

Who should undertake the investigation?
Stage 1 - In most cases the investigation at Stage 1 will be undertaken by the Headteacher. The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

If the complaint is about the Headteacher or a member of the governing body (including the Chair or Vice Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2 (see below).

Stage 2 – The Chair of Governors should decide who is the most appropriate governor to undertake the investigation. If appropriate it may be helpful to arrange for a governor from a different school to undertake the investigation e.g. if there is no one appropriate on the school's own governing body. When identifying a governor to undertake the investigation the following points should be considered:

- Is the governor impartial, with no previous involvement in the issues raised?
- Does the governor have the time to complete the investigation within the timescale?
- Is the governor fully conversant with the complaints procedure (preferably having attended training), and do they have the relevant skillset?

Planning the investigation
The investigator may wish to use Appendix A as a template for planning their investigation. Investigators should remember that their actions will be considered in detail if the complaint is escalated, and therefore a structured plan may be helpful.

Meeting with complainant
We recommend that the investigator should meet with the complainant at the outset of the investigation, in order to:

- Gather details about the specific issues involved in the complaint (e.g. dates, names of those involved etc.)
- If there has been a Stage 1 investigation, to establish the element(s) of the complaint that the complainant believes have not been addressed
- Identify any issues which are outside the scope of the investigation
- Establish desired outcomes
- If possible identify a resolution or way forward.

The investigator may wish to invite the Area Schools Officer to attend the meeting, in order to offer impartial procedural advice to both parties.

Notes should be taken at the meeting, ideally by a designated note-taker rather than any of the participants. The notes should be circulated to all parties after the meeting. If the complainant disputes the content of the notes, and the matter cannot easily be rectified, the school may offer to retain the complainant's version on file alongside the school's version.

At the beginning of the meeting, it may be helpful to state that electronic recordings will not be permitted, unless a complainant's own disability/special needs require it. Prior knowledge and consent of all parties attending must be obtained before recording takes place. Consent (or the fact

that it was not given) will be recorded in the notes. Investigators should bear in mind, however, that the complainant may record the meeting anyway.

The investigator should ensure that all parties have received a copy of the school's current complaints procedure.

The investigator should approach the process with an open mind, and as an opportunity to improve practice. A genuine intention to investigate the complaint fully and openly should be demonstrated, with no indication of any predetermined outcomes.

At the end of the meeting, the investigator should thank the complainant for attending, and summarise their concerns, areas for investigation and/or agreed actions. Ideally the complainant should be asked to sign this summary at the conclusion of the meeting.

Conducting discussions with children/young people
Consideration should be given to ensuring that routine record keeping procedures are robust enough to support a potential complaints investigation at a later date. This particularly applies to complaints about bullying and behaviour management issues.

It may not always be possible to conduct an interview/discussion with a pupil in case it prejudices another procedure e.g. referral to the Local Authority Designated Officer (LADO) or police investigation.

In most cases pupil witness statements will be obtained by staff (often at the time of the event) and shared with the investigating governor as appropriate. If the investigating governor needs to meet with the child of the complainant, care should be taken to create a supportive atmosphere in which the child is able to talk freely about their concerns and their feelings and wishes. The discussion should take place in the presence of an appropriate member of staff or the parent. If the parent is not present their prior consent should be obtained.

Conducting interviews with staff/other witnesses
The investigator should explain the complaint and their role clearly to the interviewee and confirm with them that they understand the complaints procedure and their role in it.

Staff may have a colleague present to support them at their interview. The colleague will ideally not be anyone likely to be interviewed themselves. The colleague is there to provide support and should therefore not contribute to the discussion.

The investigator should:

- Assure the interviewee that this process is about learning and continuous improvement, not blame.
- Use open, not leading questions.
- Remain neutral.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate opinion from fact by asking interviewees to provide corroborative evidence where possible.
- Persist with questions if necessary, and not be afraid to ask the same question twice.
- Ensure notes are taken at each interview. Share the draft notes with each interviewee, ask if there is anything to add/amend, and to sign and date the record as accurate.

It should be noted that any written information could form part of the evidence considered at further stages of the complaint, and may be disclosable as part of a Subject Access Request (SAR).

Reviewing documentation and other evidence
Documentation may include, but is not limited to emails, correspondence, CPOMS records, CCTV footage, behaviour logs, school policies, national guidance (eg. DfE).

Reaching conclusions
The investigator should consider all evidence gathered and reach conclusions on each separate element of the complaint.

When considering the evidence the investigator may apply different weight to hearsay, opinion and verified facts.

The investigator should determine whether each element of the complaint has been upheld, not upheld, partially upheld or out of scope. The conclusion should be a natural continuation from the evidence.

Conclusions should be based on the balance of probabilities, not the legal standard of beyond a reasonable doubt.

In some cases it may not be possible to reach a definitive conclusion about an issue, and this should be clearly stated in the letter.

Recommendations
It is good practice to identify learning where possible, for example:

- Updating a policy/procedure to ensure clarity
- Staff training
- A plan for communication between the complainant and the school moving forward.
- Governor monitoring

Even if a complaint has not been upheld there may still be learning/recommendations identified.

Outcome letter
The investigator should provide the complainant with their findings in writing within **20 school days** of receipt of the complaint (see Appendix H, Letter A).

Complaints that result in staff capability or disciplinary
If it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or their outcome.

Administration of a Stage 3 Governors Panel Hearing

This stage of the process is managed by the Clerk to the governing body, or a Clerk appointed by the governing body specifically for this task, in the event that additional knowledfe or skills are needed (this is likely to incur an additional cost to the school). The Clerk is responsible for convening the Governors Panel Hearing, arranging the date and venue, communicating with all parties and collating and distributing paperwork. The Clerk can obtain advice from the Area Schools Officer (ASO), who may attend the Panel Hearing, at the request of the Panel, to provide procedural advice (for those schools which buyback their service).

A flowchart to assist with the administration of the process, and model letters, are given in Appendices B and G.

Convening the panel
The Panel should be formed of the first three, impartial governors available. The governors should have had no prior involvement or knowledge of the complaint. Consideration should be given to one or more of the Panel being independent governor(s) from another school(s). Consideration should also be given to equality and diversity issues.

If there are fewer than three governors from the school available, the Clerk will source additional, independent governors to make up the Panel. Alternatively, an entirely independent Panel may be convened.

One of the Panel's first decisions will be whether there are strong reasons to consider dealing with the complaint through consideration of the written representations, instead of holding a panel hearing with all parties present. In making their decision they should be sensitive to the complainant's needs and expressed preference. The Panel should be mindful that a full meeting offers the best opportunity for the complainant to express their concerns and therefore a decision not to allow them to represent their case in person will need to have a clearly defined rationale.

Venue and date for the Hearing
In most cases the school is considered by all parties to be an appropriate venue for the Hearing, but the Clerk should ensure that due consideration is given to any wishes expressed regarding this. The Clerk should ensure that three appropriate rooms are available – one for the meeting itself, and two "breakout" rooms to be used prior to the hearing beginning and if an adjournment is required.

Experience during the Covid-19 pandemic has shown that hearings can be held successfully via remote technology (e.g. Microsoft Teams or Zoom). Care must be taken by the Clerk in respect of pre panel meetings, the actual hearing, adjournments and post hearing deliberations, to ensure only those invited can log in.

It is useful for up to three dates to be identified by the Clerk as possibilities to be offered to the complainant. Participants' availability could be ascertained via an online meeting scheduler such as Doodle.

Paperwork for consideration by the Panel
It is vital that a comprehensive pack of written evidence is submitted by the Headteacher/Stage 2 investigator, which includes the evidence they relied upon to reach their conclusions. A chronology/timeline of events is particularly useful to the panel See Appendix C for a checklist of

paperwork for possible inclusion, but please be aware that this is not exhaustive, and everything which supports their position should be included. (The names of other pupils and parents should be redacted). The Panel will reach their conclusions based on the evidence presented to them.

The Clerk should make clear to both parties that they must provide their own paperwork to support their case, and not assume that the other party will do so.

Attendees

- **Headteacher** - Experience has shown that it can be very important for the Headteacher to attend, to ensure that questions about day-to-day practice can be adequately responded to, as governors may not have such detailed knowledge. However, where the complaint is focussed specifically on the Headteacher's actions, their attendance may not be appropriate and is ultimately a decision for the Headteacher themself.

- **Witnesses** – Only in rare circumstances is it likely to be necessary for witnesses to attend the meeting, because evidence from relevant parties will have been gathered during the previous stages. Requests for witnesses to attend the meeting should be directed to the Chair of the Panel, via the Clerk, who will consider each request on a case-by-case basis.

- **Supportive companions** – The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. Generally it is likely that the Panel will agree to this request, however it is advisable that the person should not be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. If the additional person is attending as the complainant's advocate, they will be presenting their case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion then they will not be able to address the Panel directly.

- **Legal representation** - As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

Conduct of the Panel

See Appendix D for a model agenda, and Appendix E for guidance for the Chair of the Panel.

The SCC model complaints procedure for maintained schools contains information about the roles of the Chair, Panel members and Clerk.

In exceptional circumstances, the Panel Chair may decide to hold the meeting with only one party in the room at a time. This may be necessary in cases where relationships have broken down and the wellbeing of attendees needs to be prioritised. The Model Agenda in Appendix D will need to be amended to reflect any agreed differences of approach.

APPENDICES

Appendix A: Investigation plan

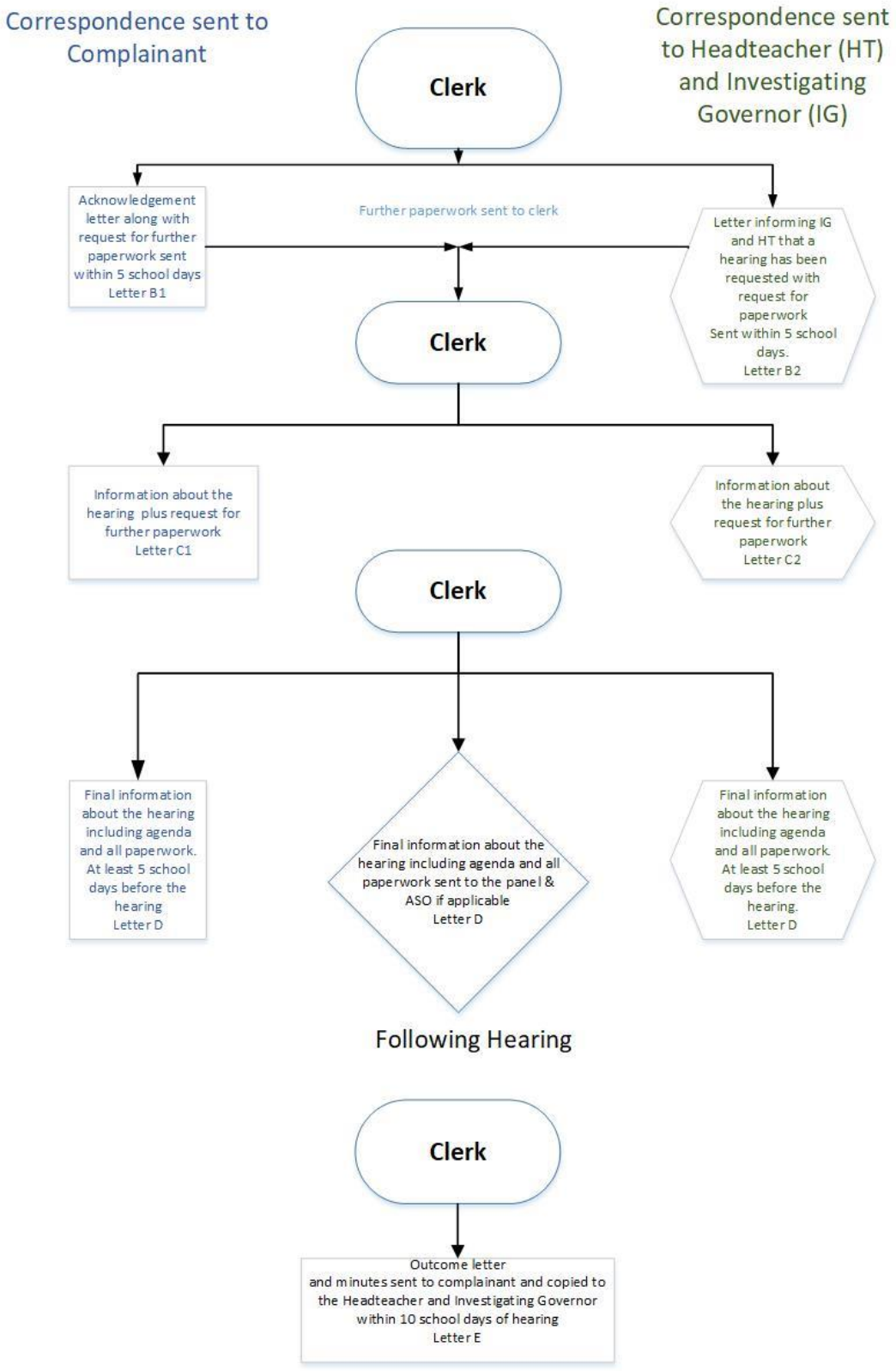
Investigation Plan [Date]

This investigation plan is to be used by the investigator to assist with preparation. The plan may need to be amended as the investigation progresses.

Investigator	You as the investigator should be confident that you are impartial and have the skills, knowledge, training, and time to carry out an independent and effective investigation.
Provisional time-frame	The relevant time-frames are outlined on page 5. If you do not think you will be able to complete the investigation in the given time-frame, set a provisional time-frame and ensure parties remain updated of any changes.
Policies and procedures to review and follow	Detail all relevant policies and procedures.
Issues that need to be explored/clarified	This may be done from analysing correspondence or from initial discussions with individuals concerned. Identify at this stage any aspects of the complaint that may be out-of-scope
Sources of evidence to be collected	Identify what evidence you will require and how this might be obtained, eg - Written evidence (letters, e-mails, reports etc) - Logs of phone calls - Documents from third parties or external agencies - Information from a pupil's school file (e.g. behaviour or attendance information) - Information from social media, photographic evidence, CCTV etc
Confidentiality	Is there any information which will need to be kept confidential - e.g safeguarding files, peer-on-peer abuse, allegations against staff members. What is the plan for managing this?
Persons to be interviewed (including planned order of interviews)	Who do you need to meet with? It is recommended that you meet with the complainant at the outset. Consider what order would be best to interview witnesses - do you need to see certain witnesses first to inform your questioning of other witnesses?

Investigation meetings further arrangements (When/where/notes to be taken by)	Consider if anyone will need to be accompanied - eg. students. Do you need to make any reasonable adjustments? Before the interview think about what information you want to obtain and what questions to ask. Do you need to have reviewed the evidence collected prior to holding investigation meetings? You should avoid leading questions and ensure that the person being interviewed is able to understand what you are asking. Do you need to follow up with any other witnesses as a result of your witness meetings?
Collection of evidence to have been completed by (date)	
Outcome letter to be completed and sent by (date)	See Appendix H, Letter A

Appendix B: Flowchart for Clerks administrating the Complaint Panel Hearing



Appendix C: Stage 3 paperwork checklists

Checklist of paperwork to be sent out by the Clerk for the Governors Panel Hearing

- List of contents
- Agenda with date, time and venue (if not being held at the school any other relevant information e.g. parking). Log-in details if the hearing is being held virtually.
- Template letter D
- Complete pack of information from the complainant
- Complete pack of information from the school (see school checklist for information which may be included)
- Copy of the complaints procedure that was in place at the time the complaint was first raised

The Clerk to the Governors Panel Hearing will need to give consideration to the organisation of the paperwork. This will depend on the amount and type of documents included. In some cases it would be appropriate to organise in ring binders, for example with different sections, while in other cases it may be sufficient to number the pages. In all cases it should be clear which set of papers has come from the school and which has come from the complainant. The main focus should be to make it easy for all parties to identify a specific document during the meeting.

Checklist of paperwork that the school may wish to include for a Stage 3 Governors Panel Hearing

- Timeline/chronology
- Completed complaint forms
- Stage 1 and Stage 2 outcome letters
- Stage 1 and Stage 2 investigation witness statements and/or interview notes from children and staff as appropriate (Signed and dated, redacted if necessary)
- Correspondence between complainant and school (If substantial provide a list and number the documents)
- Behaviour log (Remember to redact the names of other pupils)
- Log of telephone calls between complainant and school with brief note on the matter discussed and any agreed outcomes
- Relevant reports/advice from professionals
- Relevant policies e.g. behaviour, anti-bullying etc.

NB – this list is not exhaustive.

Appendix D: Model agenda for Stage 3 Governors Panel Hearing

Agenda for Stage 3 Governors Panel Hearing regarding
<Insert name of school, date, time and venue>

1	**Welcome and introductions** The Chair of the Governors Panel Hearing will invite everybody into the room at the same time. He/she will facilitate introductions and clarify roles. The Chair will confirm that electronic recording of the meeting is not permitted, unless the complainant's disability/additional needs require it. The Chair will explain to all present the purpose of the meeting: • The Panel will consider those aspects of the complaint which the complainant believes have not been fully addressed at the previous stages in the complaints procedure and where the complainant believes that the school has not followed its complaints policy. • Consider the effectiveness of the investigation process at Stage 1 and 2 • Consider ways to resolve the complaint and, if possible, achieve reconciliation between the school and the complainant The Chair will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about arrangements.	Chair	5 mins
2	**Complainant presentation** The complainant will have up to 20 minutes uninterrupted time to outline their complaint.	Complainant	Up to 20 minutes
3	**Questions to complainant by Headteacher and Stage 2 investigating governor** The Headteacher and Stage 2 investigating governor may ask questions of the complainant for clarification.	Headteacher and Stage 2 investigating governor	Up to 20 minutes
4	**Questions to complainant by Panel** The Panel may ask questions of the complainant for clarification.	Panel	Up to 20 minutes

5	**Headteacher and Stage 2 investigating governor presentation** The Headteacher and Stage 2 investigating governor will have up to 20 minutes uninterrupted time to state the school's case and respond to the points made by the complainant.	Headteacher and Stage 2 investigating governor	Up to 20 minutes
6	**Questions to Headteacher and Stage 2 investigating governor by complainant** The complainant may ask questions of the Headteacher and Stage 2 investigating governor for clarification.	Complainant	Up to 20 minutes
7	**Questions to Headteacher and Stage 2 investigating governor by Panel** The Panel may ask questions of the Headteacher and Stage 2 investigating governor for clarification.	Panel	Up to 20 minutes
8	**Adjournment** Optional – short adjournment to allow Panel to check that they have heard all relevant information before the summaries and meeting close.		
9	**Headteacher and Stage 2 investigating governor summary** The Headteacher and/or the investigating Governor) will have up to 5 minutes to summarise the school's position.	Headteacher and Stage 2 investigating governor	5 minutes
10	**Complainant summary** The complainant will have up to 5 minutes to summarise their position.	Complainant	5 minutes
11	**Meeting close** The Chair will thank the complainant and Headteacher and Stage 2 investigating governor for their contributions, and confirm that the Panel will deliberate and send their decision, along with notes of the meeting, to the complainant in writing within 10 school working days. The meeting will then close.	Chair	

Timings may be adjusted at the discretion of the Panel.

Appendix E: Guidance for the Chair of the Stage 3 Governors Panel Hearing

At the beginning of the meeting the Clerk should collect and escort both parties to the meeting room together. The panel must be impartial and seen to be so, so at no time should the panel be left in the presence of only one party (unless a party has chosen not to attend). Any witnesses should not join the meeting at the start and only be called at the appropriate point in the meeting; and questions asked of them before they are then asked to leave.

Suggested opening script for the Chair of the Panel:

Welcome to this Stage 3 Governor Panel Hearing. Thank you all for attending. My name is (NAME) and I am the Chair of today's Panel. I acknowledge that this meeting may be difficult at times so I will aim to Chair the meeting as sensitively and positively as possible.

I would now like to go around the table and ask each person to introduce themselves and explain their role. Please could each person also confirm how they would like to be addressed (for example, are you happy for your first name to be used).

(Introductions. Panel members to state whether they are a governor at this school or from a different school. Panel members to confirm that they have had no previous involvement in the complaint).

Thank you. Before we begin the main part of the meeting I would like to go through some "housekeeping" and ground rules.

- *I would ask everyone to be respectful to each other, to listen to one another and allow one another to speak without interruption.*
- *If needed, we can have an adjournment during the meeting. Please ask if you would like a break at any point.*
- *Consent for audio recording of the meeting is not given. The Clerk will take notes and a copy will be provided to all parties afterwards.*
- *If applicable – I note that (NAME OF COMPLAINANT) has brought (NAME OF ACCOMPANYING PERSON) with them. This person is either in attendance to offer moral support and therefore does not address the meeting, or is in attendance to present the complainant's case and will therefore speak instead of the complainant.*

I wanted to take this opportunity to remind ourselves that this meeting is about NAME OF CHILD and/or the children of NAME OF SCHOOL, and we will keep their best interests at the centre of the process.

Does anyone have any questions before we move on to the next part of the agenda?

Suggested closing script for the Chair of the Panel:

I would like to thank everyone for their contributions today. Before we close I would like to ask each participant if they feel listened to and treated fairly during the meeting? (CLERK TO RECORD RESPONSES).

We will now close the meeting and the Panel will deliberate. The Clerk (and Area Schools Officer) will remain with the Panel to provide procedural advice and where necessary refer to the notes made during the hearing, for clarification.

Our findings, along with the notes of the meeting, will be sent to all parties within 10 school working days. The outcome letter will include details for steps after Stage 3 if you believe that the school has acted unreasonably or unlawfully in the management of the complaint.

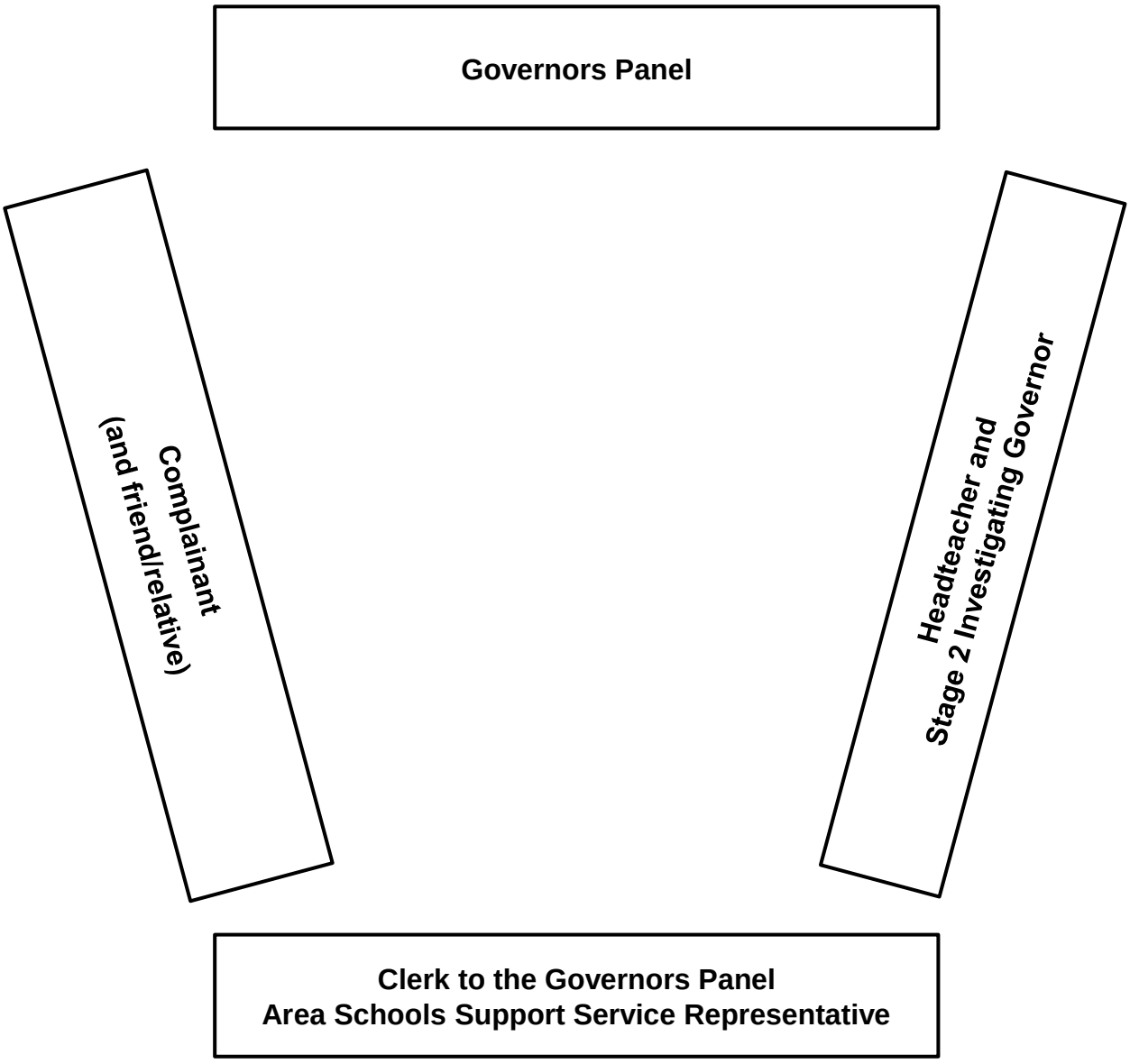
Deliberation by the Panel

The Panel will then deliberate. If an Area Schools Support Service representative is present he/she may remain, along with the Clerk to the Panel, to offer procedural advice.

The Panel will then arrive at its decision, based on the balance of probabilities. This will cover:

- Findings on the issues raised by the complainant with full explanations of decisions reached and the reasons.
- Any recommendations for the school's leadership and governing body to consider.
- (As applicable) Any findings about the way in which the complaint was addressed by the Stage 1 and 2 investigations.

Appendix F: Model seating plan for Stage 3 Governors Panel Hearing



Appendix G: Sample notice of recommendations to the Governing Body

To the Governing Body of *<insert school name>*

Stage 3 Governors Complaints Panel Hearing

Report to the Governing Body of <*insert school name*> of Stage 3 Governors Complaints Panel Hearing held on <*insert date*>.

The Stage 3 Governors Complaints Panel Hearing met on <*insert date*> to consider a complaint. The meeting was held in accordance with the Governing Body's procedure for considering complaints.

The following were present at the meeting:

- The Governors Complaints Panel: <*insert names*>:
- The complainant [not to be named]
- The Headteacher and Stage 2 investigating governor:<*insert names*>:
- The Clerk to the Governors Complaints Panel *insert name*>
- Representative from the Area Schools Support Service: <*insert name*>

The complaint was <*insert summary*>.

The Governors Complaints Panel concluded that the complaint be upheld/ partially upheld/ not be upheld.

The Governors Complaints Panel make the following recommendations for consideration by the Governing Body:

<insert recommendations>

Optional:
Senior leaders and governors will take this opportunity to organise a debrief meeting to consider any learning arising from the conduct of this complaint. This is not a debrief to reconsider the content of the complaint but rather to look at the complaints procedure itself and its operation in practice. The school will involve the Area Schools Support Service in this process.

Appendix H: Model letters

Stage 1 and Stage 2

Letter A – Outcome letter

Stage 3

Letter B1 - Acknowledgement of request for a Stage 3 Governors Complaints Panel Hearing

Letter B2 – Initial information to the Headteacher and Stage 2 investigating governor

Letter C1 - Further information to complainant plus request for paperwork

Letter C2 – Further information to the Headteacher and Stage 2 investigating governor, plus request for paperwork

Letter D - Final information and documentation (to be sent to the complainant, the Headteacher, Stage 2 investigating governor, and Area Schools Officer if attending)

Letter E- Outcome letter to complainant, cc'd to Headteacher and Stage 2 investigating governor

Letter A

Outcome letter

- *Sent by the Headteacher (or Chair of Governors if complaint relates to the Headteacher) at Stage 1*
- *Sent by the investigating governor at Stage 2*
- *To be sent within 20 school working days of request for Stage 1 or Stage 2 investigation*

Dear <*Insert name*>

Further to our meeting/further to your letter dated <*insert date*>, I am writing to confirm the findings from my investigation.

<*Insert:*

- *Summary of complaint*
- *Evidence considered (e.g. individuals met with, and documentation)*
- *Complaint 1 – summary of findings, outcome (upheld, partially upheld, not upheld)*
- *Complaint 2 - as above*
- *Complaint 3 etc*
- *Recommendations/ actions/ next steps – identify who will be responsible and how they will be monitored>*

I hope you are satisfied that your concerns have been dealt with appropriately. However, if you believe that your complaint has not been fully addressed and you wish to escalate your concern please complete the *Stage 2/ Stage 3* complaint form (available on the school website) and return it to the Clerk to the governing body within 10 school working days from the date of this letter. A request to move to *Stage 2/ Stage 3* will not normally be accepted after 10 days and will be at governors' discretion. Should you require assistance please contact the school office.

Yours sincerely

Letter B1

Acknowledgement of request for a Stage 3 Governors Complaints Panel Hearing

- *Sent by the Clerk to the Governing Body.*
- *To be sent within 3 school working days of request for the Governors Complaints Panel to be convened*

Dear <*Insert name*>

I acknowledge receipt of your Stage 3 form dated <*insert date*> indicating that you wish your complaint to be considered by a Governors Complaints Panel.

A Complaints Panel of three governors (*including a governor from another school/independent governor)* who have had no prior involvement with your complaint will be convened. When this has been done I will write to you again to invite you to a Stage 3 Governors Complaints Panel Hearing. This meeting will take place within 30 school working days of your request.

For procedural advice and information please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 0300 200 1004.

Yours sincerely

<*Insert name*>
Clerk to the Governing Body

Letter B2

Initial information to the Headteacher and Stage 2 investigating governor

- *Sent by Clerk to the Governing Body*
- *To be sent within 3 school working days of request for Governors Complaints Panel to be convened*

Dear <*Insert name*>

I have received a Stage 3 form dated <*insert date*> from <*insert name*> (copy enclosed) requesting that his/her complaint is considered by a Governors Complaint Panel.

A Governors Complaint Panel of three governors *(including a governor from another school/independent governor)* who have had no prior involvement with the complaint will be convened and a Clerk to the Governors Complaint Panel will be appointed. When the planning has been completed I will contact you again to invite you to attend the Governors Complaint Panel Hearing. This meeting will take place within thirty school working days of the date of the complainants request.

For procedural information and advice please contact the Area Schools Support Service.

Yours sincerely

<*Insert name*>
Clerk to the Governing Body

Letter C1

Further information to complainant plus request for paperwork
- Sent by Clerk to the Governors Complaint Panel

Dear <*Insert name*>

The Governors Complaint Panel has now been convened and I am now able to provide details as follows:

Date of Governors Complaint Panel: <*insert date*>
Venue: <*insert venue*>
Start time: <*insert start time*>

The Governors Complaint Panel Hearing will be attended by:

- Members of the Panel:
  - Governor 1 - Chair of the Governors Complaint Panel - <*insert name*>
  - Governor 2 - <*insert name*>
  - Governor 3 (*independent governor*) - <*insert name*>

- Clerk to the Governors Complaint Panel - <*insert name*>
- Complainant <*insert name*>
- Headteacher <*insert name*>
- Stage 2 investigating governor <*insert name*>
- Witness(es) if applicable - <*insert name(s)*>
- *If applicable* - Area Schools Support Service representative (procedural advice) - <*insert name*>

You are asked to report to <*insert location*>. You will be shown to a waiting area. I will collect the you, the Headteacher, the Stage 2 investigating governor *and other witness(es) (if applicable*) from the waiting area to be introduced to the Governors Complaint Panel at the same time.

You may ask to be accompanied to the Hearing by a supportive companion, interpreter or advocate. This person should not be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. You should advise me of the name and role of this additional person prior to the Hearing, and I will seek agreement from the chair of the Panel. If the additional person is attending as an advocate, they will be presenting your case and speaking on your behalf, and therefore you will not be able to address the Panel directly. If the additional person is attending as a supportive companion they will not be able to address the Panel directly. As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

I would be grateful if you would:

- Forward to me all paperwork you wish to be considered by the Panel by <*insert date*>. Only in exceptional circumstances will new documentation and/or information be accepted after this time, and this is at the discretion of the Panel; and
- Confirm your attendance at this Hearing; and
- Let me know the name of any person you wish to accompany you, and their role
- Let me know of any reasonable adjustments you may require in order to access the meeting.

A full pack of paperwork, including the agenda, will be sent to you at least 5 school working days before the meeting.

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Yours sincerely

<Name>
Clerk to Governors Complaint Panel

Letter C2

Further information to the Headteacher and Stage 2 investigating governor, plus request for paperwork
- Sent by Clerk to the Governors Complaint Panel

Dear <*Headteacher's name and investigating governor's name*>

The Governors Complaint Panel has now been convened and I am now able to provide details as follows:

Date of Governors Complaint Panel Hearing: <*insert date*>
Venue: <*insert venue*>
Start time: <*insert start time*>

The Governors Complaint Panel Hearing will be attended by:
- Members of the Panel:
  - Governor 1 - Chair of the Governors Complaint Panel- <*insert name*>
  - Governor 2 - <*insert name*>
  - Governor 3 (independent governor) - <*insert name*>

- Clerk to the Governors Complaint Panel - <*insert name*>
- Complainant - <*insert name*>
- Headteacher - <*insert name*>
- Stage 2 investigating governor- <*insert name*>
- Witness(es) if applicable - <*insert name(s)*>
- *If applicable* - Area Schools Support Service representative (procedural advice) - <*insert name*>

You are asked to report to <*insert location*>. You will be shown to a waiting area. I will collect the complainant, the Headteacher, Stage 2 investigating governor *and the other witness(es) (if applicable*) from the waiting area to be introduced to the Governors Complaint Panel at the same time.

I would be grateful if you would:
- Forward to me all paperwork you wish to be considered by the Panel by <*insert date*>. Only in exceptional circumstances will new documentation and/or information be accepted after this time, and this is at the discretion of the Panel; and
- Confirm your attendance at this meeting.

A full pack of paperwork, including the agenda, will be sent to you at least 5 school working days before the meeting.

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Yours sincerely
<*Insert name*>
Clerk to Governors Complaint Panel

Letter D

Final information and documentation
- To be sent to the complainant, the Headteacher, Stage 2 investigating governor and Area Schools Officer (if attending)
- Sent by Clerk to the Governors Complaint Panel

Dear <*Insert name*>

Thank you for providing paperwork for the Governors Complaint Panel Hearing, which is being held on <*insert date*> at <*insert time*> at <*insert venue*>.

The following information/documentation is enclosed:

<*List documentation enclosed:*
- *Agenda*
- *Paperwork from complainant*
- *Paperwork from school*>

Please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

<*Insert name*>
Clerk to Governors Complaint Panel

Letter E

Outcome letter to complainant, cc'd to Headteacher and Stage 2 investigating governor
- Sent by Clerk on behalf of the Chair of the Governors Complaint Panel
- To be sent within 10 school working days of the Governors Complaint Panel Hearing

Dear <*Insert name*>

Thank you for joining <*insert names of other 2 governors*> and me on <*insert date*> for the Governors Complaint Panel Hearing regarding <*insert school name*>.

I am grateful to you, *the Headteacher and investigating governor* for the time and effort you have all put into presenting your matter.

I am writing to let you know the conclusions and recommendations we reached, based on careful consideration of all the evidence provided.

<*Insert*
- *Findings on the complaint and its management at the previous stages*
- *Full explanation of decisions reached and reasons*
- *(Where appropriate) Action to be taken by the school to resolve the complaint*
- *Any recommended changes to the school's systems or procedures, who will be responsible and how will they be monitored*>

I attach a copy of the minutes taken by the Clerk to the Governors Complaint Panel for your information.

The paperwork considered by the Panel, plus this outcome letter and the minutes, will be kept on file by the school in line with data protection regulations.

It is the Governors Complaint Panel's hope that you will feel that your complaint has been heard and considered fairly and that all the issues have been investigated appropriately, however if you believe that your complaint has been unreasonably or unlawfully handled by <*Name of School*> you may refer your complaint to the Department for Education:

Online: www.education.gov.uk/contactus

Telephone: 0370 0002288

In writing: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Yours sincerely
<*Insert name*>
Chair of the Governors Complaint Panel

cc: Headteacher and Stage 2 investigating governor
(If the Stage 1 investigation was carried out by a governor, this letter should also be cc'd to the Headteacher for information and to enable any recommendations to be carried out)
Enc. Minutes taken by the Clerk to the Governors Complaint Panel

Appendix I: Area Schools Support Service Contact Details

For further advice and support* on these procedures please contact:

West Surrey Area Schools Officers	Kate Charles – 07792 587096 – kate.charles@surreycc.gov.uk Cara Harding – 07968 834131 – cara.harding@surreycc.gov.uk
East Surrey Area Schools Officers	Ann Panton – 07976 924186 – ann.panton@surreycc.gov.uk Adelina (Addy) Mason - 07814 804432 – adelina.mason@surreycc.gov.uk
Countywide Schools Support Officer	Natalie Cull – 07814 811489 – natalie.cull@surreycc.gov.uk
Team Email	school.relationships@surreycc.gov.uk

**For those schools which purchase the service.*